



Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406.375.6530
Fax 406.375.6531
planning@ravallcounty.mt.gov

OG-09-03-139

RECEIVED

March 23, 2009

MAR 23 2009

Ken Bell
PO Box 210
Hamilton, MT 59840

Ravalli County Commissioners

--	--	--	--	--

Re: Estate of Penn H. Holsapple Court Ordered Split, Probate No.: DP 08-36

Dear Mr. Bell,

My office has been provided with a preliminary Certificate of Survey (COS) depicting a proposed Court-Ordered division of the Estate of Penn H. Holsapple, as well as the motion for an order dividing real property dated February 25, 2009. Ravalli County greatly appreciates your willingness to include the Planning Department in this review opportunity.

The property is currently located in a voluntary zoning district, which allows for a minimum lot size of 10 acres. The Ravalli County Subdivision Regulations are applicable in the area. An exemption to the regulations is being requested under Section 4-4-2 (Qualified Exemptions – Order of a Court) by the current property owners.

The Planning Department has determined that the proposed division does not appear to be for the purpose of evading the subdivision regulations or the MSPA. The Planning Department can generally support the proposed land division and the following comments are offered for the Court's consideration:

1. Written confirmation, from the Environmental Health Department, that each lot meets or exceeds local and State Department of Environmental Quality (DEQ) standards for wastewater treatment and potable water (wells) should be obtained. You may also wish to consider conditioning your approval on the property owner(s) obtaining DEQ approval, which is consistent with SB 290; a law passed in 2005 amending 76-3-604 MCA.
2. Further development of the properties should include, when appropriate, access permits from the road department, additional structures requiring wastewater treatment facilities exemption application, subdivision exemption application, floodplain analysis, and/or subdivision review.
3. Water rights and irrigation practices are routinely subject to intense public debate in Ravalli County's subdivision hearings. Water rights, if any, should be transferred and used on the parcels in order to help protect area water users while guaranteeing access to water on each tract of land. A master irrigation plan addressing water distribution among the two lots should be filed with the COS, if needed. Allocation of water should be a part of this master irrigation agreement. All irrigations ditches located on the property, if any, should be shown

on the COS with a 10-foot easement (5-foot on either side of the ditch) for maintenance purposes.

4. The Gray Wolf, Canada Lynx, Wolverine, Fischer, and Western Skink have been identified as species of concern in the vicinity of the proposed division. The property owners should contact the Montana Natural Heritage Program for additional information related to species of concern which may be located on or near the subject property.
5. The subject property is located in a heavily wooded area adjacent to the Bitterroot National Forest. Staff feels there is a high wildland fire risk associated with the properties such as this in the Wildland Urban Interface and suggests that the property owners contact a professional forester to help identify the wildland fire risk and suggest mitigation measures.

Again, thank you for the opportunity to review this proposed Court-ordered division of land. If you have any questions, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lavey", with a small "for" written below it.

John Lavey, Planning Director

Cc: County Attorney
Clerk and Recorder
Board of County Commissioners